

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

WEDNESDAY, THE 31ST JANUARY 2007 / 11TH MAGHA 1928

WP(C).No. 16980 of 2005(U)

PETITIONER:

K.G. MANIKANTAN NAIR, S/O.GOPALA PILLAI,
LAKSHMI NIVAS, NADUVILE VILLAGE, VAIKOM,
DIST. KOTTAYAM.

BY ADV. SRI.K.REGHU KOTTAPPURAM

RESPONDENTS:

1. THE TAHSILDAR,
VAIKOM, DIST. KOTTAYAM.
2. THE REVENUE DIVISIONAL OFFICER (R.D.O),
PALA, DIST. KOTTAYAM.

ADDL. RESPONDENTS:

3. BENOY, S/O.THANKAPPAN,
KODALIKKANDATHIL,
VAIKOM, DIST.KOTTAYAM.
4. P.S.SURESH, PAZHAYAMBILLIL HOUSE,
IDAMULA KARA, AKALAKKUNAM,
KOTTAYAM DIST.
5. INDIRA BHAICHAR, THAIPARAMBIL HOUSE,
NEARKUNNAM, VANDANAM P.O.,
ALAPPUZHA DIST.
6. THE EXCISE COMMISSIONER, COMMISSIONERATE
OF EXCISE, TRIVANDRUM.

(ADDL. R3 IS IMPEADED AS PER ORDER DT.18.7.2005
IN I.A. NO.10176/2005.)

(ADDL. R4&5 ARE IMPEADED AS PER ORDER DT.3.3.2006
IN I.A. NO.3139/2006.)

(ADDL. R6 IS IMPEADED AS PER ORDER DT.7.3.2006 IN I.A. 3363/2006.)

R4&5 BY ADV. SRI.D.SREEKUMAR
R1,2&6 BY G.P. SMT.SMITHA SUKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 31/01/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

P1: TRUE COPIES OF NOTICES DT.18.6.03.

P2: TRUE COPIES OF THE NOTICE DT.30.4.2005.

P3: TRUE COPY OF THE PETITION DT.6.5.05.

P4(IN I.A. 10176/2005): TRUE COPY OF THE PAY ORDER NO.559073 DT.9.7.2005 ON SOUTH INDIAN BANK FOR RS.50,000/-.

P5(IN I.A.10176/2005): TRUE COPY OF THE SALE AGREEMENT DT.9.7.2005 BETWEEN THE PETITIONER AND BENOY.

P4(IN I.A. 3362/2006): TRUE COPY OF THE ORDER DT.2.6.2000.

P5(IN I.A. 3362/2006): TRUE COPY OF THE JUDGMENT DT.11.8.2000 IN O.P. NO.11575/1995.

P6(IN I.A. 3362/2006): .DO. DT.6.10.2005 IN O.P. NO.11194/2002.

P7: TRUE COPY OF THE ORDER DT.29.11.06.

P8: TRUE COPY OF ORDER DT.16.1.2007.

P9: TRUE COPY OF STATEMENT OF ACCOUNTS.

RESPONDENT'S EXHIBITS:

R3(a): TRUE COPY OF THE APPLICATION DT.13.7.2000.

R3(b): TRUE COPY OF THE LETTER DT.29.8.2000.

R4(A): TRUE COPY OF THE ORDER IN W.P.(C)N 16980/2005-U DT.18.7.2005.

R4(B): TRUE COPY OF THE AGREEMENT FOR SALE EXECUTED BY THE PARTY DT.6.2.2006.

R4(C): .DO. .DO. 8.2.2006.

R4(D): TRUE COPY OF THE BANK DRAFT FOR RS.1,00,000/- DT.31.1.2006.

R4(E): .DO. RS.40,000/- DT.2.2.2006.

TRUE COPY

P.A. TO JUDGE

C.N.RAMACHANDRAN NAIR, J.

.....
W.P.(C) No.16980 of 2005
.....

Dated this the 31st day of January, 2007.

JUDGMENT

In view of the undertaking by the petitioner to settle liability which is worked out vide Ext.P8 at Rs.30,57,306/- pursuant to interim order dated 29.11.2006, the W.P. is disposed of granting time to the petitioner to settle liability by remitting the above amount with future interest from 17.1.2007 till date of payment as follows. Rupees ten lakhs will be paid on or before 20.2.2007 and the entire balance will be paid on or before 31.3.2007, failing which OTS benefit granted pursuant to interim order dated 29.11.2006 will stand vacated. If payments are made as above, then the attachment on the property sold to additional third respondent will stand vacated and petitioner can execute sale deed in his favour. However, if petitioner does not settle liability before 31.3.2007, then the entire property will be sold in auction including the property purchased by additional third respondent. Sale proceeds will be adjusted towards amount due from the petitioner, after refund of advance paid by third respondent.

C.N.RAMACHANDRAN NAIR
Judge

pms